United Nations S/RES/1499 (2003)

Security Council

Distr.: General
13 August 2003

# Resolution 1499 (2003)

## Adopted by the Security Council at its 4807th meeting, on 13 August 2003

*The Security Council*,

*Recalling* its previous relevant resolutions and statements of its President on the Democratic Republic of the Congo, in particular resolutions 1457 and 1493 (2003),

*Welcoming* recent progress in the political process and the establishment of the transitional government in the Democratic Republic of the Congo,

*Noting with great concern* that the plundering of natural resources of the Democratic Republic of the Congo continues, especially in the eastern part of the country, as reported to the Council in an interim briefing, on 24 July 2003, from the Chairman of the Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (hereinafter "the Panel"), and *stressing* that appropriate action should be taken with regard to those responsible for such activities,

*Taking note* of the Panel's efforts to establish constructive dialogue with individuals, companies and States named in its report (S/2002/1146) of 15 October 2002,

*Welcoming* the publication, as an attachment to the Panel's report, of the reactions of those individuals, companies and States,

*Recognizing* that exchanging information and attempting to resolve issues will help the transparency of the Panel's work as well as heighten awareness of the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo in the context of the conflict and, in particular, its connection with the illicit trade of small arms and light weapons,

*Taking note* of the Panel's intent, in accordance with paragraph 9 of resolution 1457, to remove from the annexes attached to its report the names of those parties with which it has or will have reached a resolution by the end of its mandate,

*Renewing* its support to the Panel in its efforts to secure, including through dialogue with parties named in its last report, particularly with governments concerned, a clearer picture of activities related to the illegal exploitation of natural

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resources in the Democratic Republic of the Congo, and to update its findings during the remainder of its mandate period,

1. *Requests* the Secretary-General to extend the mandate of the Panel until 31 October 2003 to enable it to complete the remaining elements of its mandate, at the end of which the Panel will submit a final report to the Council;

2. *Reiterates its demand* that all States concerned take immediate steps to end the illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of the Congo;

3. *Requests* the Panel to provide the necessary information to the governments concerned as required in paragraph 12 and 13 of resolution 1457, with due regard to safety of sources, in order to enable them, if necessary, to take appropriate action according to their national laws and international obligations;

4. *Calls on* all States to respect the relevant Security Council resolutions in this regard;

5. *Decides* to remain actively seized of the matter.

United Nations S/RES/1500 (2003)

Security Council

Distr.: General
14 August 2003

# Resolution 1500 (2003)

## Adopted by the Security Council at its 4808th meeting, on 14 August 2003

*The Security Council*,

*Recalling* all its previous relevant resolutions, in particular resolution 1483 (2003) of 22 May 2003,

*Reaffirming* the sovereignty and territorial integrity of Iraq,

*Reaffirming also* the vital role for the United Nations in Iraq which was set out in relevant paragraphs of resolution 1483 (2003),

*Having considered* the report of the Secretary-General of 15 July 2003 (S/2003/715),

1. *Welcomes* the establishment of the broadly representative Governing Council of Iraq on 13 July 2003, as an important step towards the formation by the people of Iraq of an internationally recognized, representative government that will exercise the sovereignty of Iraq;

2. *Decides* to establish the United Nations Assistance Mission for Iraq to support the Secretary-General in the fulfilment of his mandate under resolution 1483 in accordance with the structure and responsibilities set out in his report of 15 July 2003, for an initial period of twelve months;

3. *Decides* to remain seized of this matter.

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United Nations S/RES/1501 (2003)

Security Council

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26 August 2003

# Resolution 1501 (2003)

## Adopted by the Security Council at its 4813th meeting, on 26 August 2003

*The Security Council*,

*Recalling* its previous relevant resolutions and statements of its President on the Democratic Republic of the Congo, in particular resolutions 1484 (2003) and 1493 (2003),

*Reaffirming* its commitment to respect for the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all the States of the region,

*Deeply concerned* by the continuation of hostilities in the eastern part of the Democratic Republic of the Congo, particularly in the district of Ituri as well as in the provinces of North and South Kivu,

*Reaffirming* its support to the peace process and national reconciliation, in particular through the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC),

*Reaffirming also* its support to the Interim Emergency Multinational Force deployed in Bunia in accordance with resolution 1484 (2003), and *stressing* the need to ensure the best conditions for transfer of authority from the Force to MONUC, on 1 September 2003, to contribute in the most efficient way possible to the continuing stabilization of Ituri,

*Having taken note* of the letter sent by the Secretary-General to the President of the Security Council, dated 14 August 2003 (S/2003/821), and of the recommendation it contains,

*Noting* that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Approves* the recommendation contained in the Secretary-General's letter of 14 August 2003;

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2. *Authorizes* the States members of the Interim Emergency Multinational Force, within the limits of the means at the disposal of those elements of the Force which will not yet have left Bunia before 1 September 2003, to provide assistance to the MONUC contingent deployed in the town and its immediate surroundings, if MONUC requests them to do so and if exceptional circumstances demand it, during the period of the Force's disengagement which should last until 15 September 2003 at the latest;

3. *Decides* to remain actively seized of the matter.

# Security Council

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26 August 2003

## Resolution 1502 (2003)

### Adopted by the Security Council at its 4814th meeting, on 26 August 2003

*The Security Council,*

*Reiterating* its primary responsibility for the maintenance of international peace and security and, in this context, the need to promote and ensure respect for the principles and rules of international humanitarian law,

*Reaffirming* its resolutions 1296 (2000), of 19 April 2000, and 1265 (1999), of 17 September 1999, on protection of civilians in armed conflict, and resolution 1460 (2003), of 30 January 2003, on children and armed conflict, as well as other relevant resolutions, and *recalling* the statements of its President on protection of civilians in armed conflict[1] and on protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones,[2]

*Welcoming* the adoption by the General Assembly of resolutions 57/28 entitled *Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel* and 57/155 entitled *Safety and security of humanitarian personnel and protection of United Nations personnel*,

*Reaffirming* the obligation of all humanitarian personnel and United Nations and its associated personnel to observe and respect the laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations, and *underlining* the importance for humanitarian organizations to uphold the principles of neutrality, impartiality and humanity in their humanitarian activities,

*Emphasizing* that there are existing prohibitions under international law against attacks knowingly and intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission undertaken in accordance with the Charter of the United Nations which in situations of armed conflicts constitute war crimes, and recalling the need for States to end impunity for such criminal acts,

*Aware* that the protection of humanitarian personnel and United Nations and its associated personnel is a concern in situations of armed conflict and otherwise,

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[1] Presidential Statements S/PRST/2002/6 and S/PRST/2002/41.

[2] Presidential Statement S/PRST/2000/4.

*Gravely concerned* at the acts of violence in many parts of the world against humanitarian personnel and United Nations and its associated personnel, in particular deliberate attacks, which are in violation of international humanitarian law, as well as other international law that may be applicable, such as the attack against the Headquarters of the United Nations Assistance Mission in Iraq (UNAMI) in Baghdad on 19 August 2003,

1. *Expresses its strong condemnation* of all forms of violence, including, inter alia, murder, rape and sexual assault, intimidation, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention to which those participating in humanitarian operations are increasingly exposed, as well as attacks on humanitarian convoys and acts of destruction and looting of their property;

2. *Urges* States to ensure that crimes against such personnel do not remain unpunished;

3. *Reaffirms also* the obligation of all parties involved in an armed conflict to comply fully with the rules and principles of international law applicable to them related to the protection of humanitarian personnel and United Nations and its associated personnel, in particular international humanitarian law, human rights law and refugee law;

4. *Urges* all those concerned as set forth in international humanitarian law, including the Geneva Conventions and the Hague Regulations, to allow full unimpeded access by humanitarian personnel to all people in need of assistance, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and United Nations and its associated personnel and their assets;

5. *Expresses its determination* to take appropriate steps in order to ensure the safety and security of humanitarian personnel and United Nations and its associated personnel, including, inter alia, by:

(a) *Requesting* the Secretary-General to seek the inclusion of, and that host countries include, key provisions of the Convention on the Safety of United Nations and Associated Personnel, among others, those regarding the prevention of attacks against members of United Nations operations, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders, in future as well as, if necessary, in existing status-of-forces, status-of-missions and host country agreements negotiated between the United Nations and those countries, mindful of the importance of the timely conclusion of such agreements;

(b) *Encouraging* the Secretary-General, in accordance with his prerogatives under the Charter of the United Nations, to bring to the attention of the Security Council situations in which humanitarian assistance is denied as a consequence of violence directed against humanitarian personnel and United Nations and its associated personnel;

(c) *Issuing* the declaration of exceptional risk for the purposes of article 1 (c) (ii) of the Convention on the Safety of United Nations and Associated Personnel, in situations where in its assessment circumstances would support such a declaration, and *inviting* the Secretary-General to advise the Council, where in his assessment circumstances would support such a declaration;

6. *Requests* the Secretary-General to address in all his country-specific situation reports, the issue of the safety and security of humanitarian personnel and United Nations and its associated personnel, including specific acts of violence against such personnel, remedial actions taken to prevent similar incidents and actions taken to identify and hold accountable those who commit such acts, and to explore and propose additional ways and means to enhance the safety and security of such personnel.

United Nations S/RES/1503 (2003)

Security Council

Distr.: General
28 August 2003

# Resolution 1503 (2003)

## Adopted by the Security Council at its 4817th meeting, on 28 August 2003

*The Security Council,*

*Recalling* its resolutions 827 (1993) of 25 May 1993, 955 (1994) of 8 November 1994, 978 (1995) of 27 February 1995, 1165 (1998) of 30 April 1998, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, and 1481 (2003) of 19 May 2003,

*Noting* the letter from the Secretary-General to the President of the Security Council dated 28 July 2003 (S/2003/766),

*Commending* the important work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) in contributing to lasting peace and security in the former Yugoslavia and Rwanda and the progress made since their inception,

*Noting* that an essential prerequisite to achieving the objectives of the ICTY and ICTR Completion Strategies is full cooperation by all States, especially in apprehending all remaining at-large persons indicted by the ICTY and the ICTR,

*Welcoming* steps taken by States in the Balkans and the Great Lakes region of Africa to improve cooperation and apprehend at-large persons indicted by the ICTY and ICTR, but noting with concern that certain States are still not offering full cooperation,

*Urging* Member States to consider imposing measures against individuals and groups or organizations assisting indictees at large to continue to evade justice, including measures designed to restrict the travel and freeze the assets of such individuals, groups, or organizations,

*Recalling and reaffirming* in the strongest terms the statement of 23 July 2002 made by the President of the Security Council (S/PRST/2002/21), which endorsed the ICTY's strategy for completing investigations by the end of 2004, all trial activities at first instance by the end of 2008, and all of its work in 2010 (ICTY Completion Strategy) (S/2002/678), by concentrating on the prosecution and trial of the most senior leaders suspected of being most responsible for crimes within the ICTY's jurisdiction and transferring cases involving those who may not bear this

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level of responsibility to competent national jurisdictions, as appropriate, as well as the strengthening of the capacity of such jurisdictions,

*Urging* the ICTR to formalize a detailed strategy, modelled on the ICTY Completion Strategy, to transfer cases involving intermediate- and lower-rank accused to competent national jurisdictions, as appropriate, including Rwanda, in order to allow the ICTR to achieve its objective of completing investigations by the end of 2004, all trial activities at first instance by the end of 2008, and all of its work in 2010 (ICTR Completion Strategy),

*Noting* that the above-mentioned Completion Strategies in no way alter the obligation of Rwanda and the countries of the former Yugoslavia to investigate those accused whose cases would not be tried by the ICTR or ICTY and take appropriate action with respect to indictment and prosecution, while bearing in mind the primacy of the ICTY and ICTR over national courts,

*Noting* that the strengthening of national judicial systems is crucially important to the rule of law in general and to the implementation of the ICTY and ICTR Completion Strategies in particular,

*Noting* that an essential prerequisite to achieving the objectives of the ICTY Completion Strategy is the expeditious establishment under the auspices of the High Representative and early functioning of a special chamber within the State Court of Bosnia and Herzegovina (the "War Crimes Chamber") and the subsequent referral by the ICTY of cases of lower- or intermediate-rank accused to the Chamber,

*Convinced* that the ICTY and the ICTR can most efficiently and expeditiously meet their respective responsibilities if each has its own Prosecutor,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Calls* on the international community to assist national jurisdictions, as part of the completion strategy, in improving their capacity to prosecute cases transferred from the ICTY and the ICTR and encourages the ICTY and ICTR Presidents, Prosecutors, and Registrars to develop and improve their outreach programmes;

2. *Calls* on all States, especially Serbia and Montenegro, Croatia, and Bosnia and Herzegovina, and on the Republika Srpska within Bosnia and Herzegovina, to intensify cooperation with and render all necessary assistance to the ICTY, particularly to bring Radovan Karadzic and Ratko Mladic, as well as Ante Gotovina and all other indictees to the ICTY and calls on these and all other at-large indictees of the ICTY to surrender to the ICTY;

3. *Calls* on all States, especially Rwanda, Kenya, the Democratic Republic of the Congo, and the Republic of the Congo, to intensify cooperation with and render all necessary assistance to the ICTR, including on investigations of the Rwandan Patriotic Army and efforts to bring Felicien Kabuga and all other such indictees to the ICTR and calls on this and all other at-large indictees of the ICTR to surrender to the ICTR;

4. *Calls* on all States to cooperate with the International Criminal Police Organization (ICPO-Interpol) in apprehending and transferring persons indicted by the ICTY and the ICTR;

5. *Calls* on the donor community to support the work of the High Representative to Bosnia and Herzegovina in creating a special chamber, within the State Court of Bosnia and Herzegovina, to adjudicate allegations of serious violations of international humanitarian law;

6. *Requests* the Presidents of the ICTY and the ICTR and their Prosecutors, in their annual reports to the Council, to explain their plans to implement the ICTY and ICTR Completion Strategies;

7. *Calls* on the ICTY and the ICTR to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010 (the Completion Strategies);

8. *Decides* to amend Article 15 of the Statute of the International Tribunal for Rwanda and to replace that Article with the provision set out in Annex I to this resolution, and requests the Secretary-General to nominate a person to be the Prosecutor of the ICTR;

9. *Welcomes* the intention expressed by the Secretary-General in his letter dated 28 July 2003, to submit to the Security Council the name of Mrs. Carla Del Ponte as nominee for Prosecutor for the ICTY;

10. *Decides* to remain actively seized of the matter.

**Annex I**

Article 15
The Prosecutor

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The Prosecutor shall act independently as a separate organ of the International Tribunal for Rwanda. He or she shall not seek or receive instructions from any government or from any other source.

3. The Office of the Prosecutor shall be composed of a Prosecutor and such other qualified staff as may be required.

4. The Prosecutor shall be appointed by the Security Council on nomination by the Secretary-General. He or she shall be of high moral character and possess the highest level of competence and experience in the conduct of investigations and prosecutions of criminal cases. The Prosecutor shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Prosecutor shall be those of an Under-Secretary-General of the United Nations.

5. The staff of the Office of the Prosecutor shall be appointed by the Secretary-General on the recommendation of the Prosecutor.